



NATIONAL TRANSPORTATION SAFETY BOARD  
OFFICE OF MARINE SAFETY  
WASHINGTON, D.C. 20594

## US COAST GUARD ERRATA

### Operations and Navigation Group Chairman's Factual Report

***Conception***  
DCA19MM047

Page/ Para	Original	Correction	NTSB Disposition of Party Comment
5/16-17	owner had affixed "emergency exit window" labels to the sliding section of the window.	Important to note that this was not required marking for an emergency exit per 46 CFR 185.606 which required "EMERGENCY EXIT, KEEP CLEAR" in 2" high letters on both sides unless deemed unnecessary by OCMI.	Text added as follows: "These markings were not required by Coast Guard regulations."
5/24	"The third restroom was accessed via a sliding"	"The third restroom was accessible to the exterior of the vessel and accessed via a sliding"	Accepted, with editorial change. Revised text as follows: "The third restroom was accessed from the exterior via a sliding door at the bottom of the stairway leading to the upper deck."
5/33	"the metal swim platform served as a cradle for a small skiff."	"the metal swim platform served as a cradle for a small inflatable outboard powered skiff."	Accepted. Change made to text.
6	Conception general arrangement drawing.	(1) <b>Upper deck:</b> a. Recommend indicate <b>wings</b>	General comment: We went through several iterations of this drawing, looking to get the

		<p>b. Recommend label stairs down to main deck.</p> <p><b>(2) Main Deck:</b></p> <p>a. Indicate anchor hatch and squid light location and plug for that equipment as well as charging location for batteries</p> <p>b. Recommend inset drawing somewhere showing the actual configuration of the egress hatch and the surround plywood structure.</p> <p>c. Recommend indications fire hose stations and port side remote start switch for fire pump system.</p> <p><b>(3) All Decks:</b> Recommend label to indicate fire extinguishers, heat detector and smoke detectors on all decks.</p>	<p>right balance of labeling critical areas without over-cluttering the illustration. Some comments below reflect this need for balance.</p> <p><b>(1) Upper deck:</b></p> <p>a. Concur. “Wing stations” added.</p> <p>b. Non-concur. stairs are evident from drawing.</p> <p><b>(2) Main Deck:</b></p> <p>a. Non-concur. Anchor hatch is labeled in the space and on deck. Squid light was not a factor, and thus not necessary to draw/label.</p> <p>b. Non-concur. Photos on page 7 provide configuration.</p> <p>c. Covered in Survival Factors report</p> <p><b>(3) All Decks:</b> Covered in Survival Factors report</p>
8/10	two stations located on the main deck aft on the port and starboard exterior bulkheads of the salon.	Comment: Assume remote start for fire pump located in the port fire hose storage location is covered in the fire and explosion factual.	Yes; however, information has been added to this report for continuity.
8/22	“forward end of the salon.”	“forward end of the salon on the sun deck.”	In this report, “sun deck” only refers to the exterior deck aft of the wheelhouse and staterooms. No edit necessary.
<sup>9/</sup> Footnote 6	“Coast Guard regulations require AIS in waterways governed by vessel traffic control.”	<b>Comment:</b> Santa Cruz Island is not in the operations area of Marine Exchange/ USCG VTS Los Angeles/Long Beach.	Line deleted as it is not relevant to this report.
10/1-3	The safety brief normally included information on the lifejackets and other lifesaving equipment, escape routes from the bunkroom and salon, the location for mustering in the event of an emergency, and dive safety information.	<b>Comment:</b> As this voyage was over 24 hours, 46 CFR 185.506(e) requires passengers to don lifejackets and go to appropriate embarkation station during this safety orientation. It sounds like this didn't occur during the accident voyage.	Text has been added to Section 4.11 to reflect the CFR requirement and the <i>Conception</i> safety brief. Added text as follows: “New Subchapter T also required that passengers “shall be requested to don life jackets and go to the appropriate embarkation station during the safety orientation” for vessels on a voyage of over 24 hours.” According to crewmembers’ accounts of the safety brief on the accident voyage, the passengers on the <i>Conception</i> were not requested to don

			lifejackets or muster at the embarkation station.”
11/28	He continued to lay in his bunk, and, between 5 and 15 minutes later by his estimation, he heard a voice yell, “ahhh!”	<p>Comment: From interview transcript. Could not find comment about “yell” as to the “ahh” sound</p> <p>I don't know, I should get up and go check on them, oh man. And I sat in my bunk there for a while and then I heard an ahhh and I go, oh, someone sprained their ankle.</p>	“Yell” reflects the emphasis Mr. Kohls put in his description of the “ahhh” sound as he described it in the interview. The audio file can be provided, if required.
12/10	“wheelhouse wing stations.”	<b>Comment:</b> wheelhouse wing stations seems to be misleading as if they were bridge wings with controls. Actually, based on looking at the images they appear to be areas outside the doors to the wheelhouse on the sides of the wheelhouse. Wheelhouse side doors.	Based on photos provided by former passengers, the wing stations did have controls. “Wing station” is thus a correct term. Photos can be provided, if required.
13/11	“vessel’s general emergency alarm.”	<b>Comment:</b> Did the vessel have an actual general alarm. Was it a feature of the public address system? If so, did they demonstrate the sound to the passengers at any time to familiarize them with the sound?	In the interview with the second captain, the owner stated “the general alarm would be the PA system.” Because it is unclear how the PA system could be used as a general alarm, reference to a general alarm has been deleted. The revised text is as follows: None of the crewmembers who were interviewed reported hearing any public address system announcement or warning to the passengers.
13/22	Looking inside, he saw that there was no access aft.	<b>Comment:</b> Should the first deckhand have already known that fact through his training and familiarization with the vessel?	His interview indicates that he knew there was no access, but was trying anything in desperation: “open...the anchor compartment hatch just to see if, like, something was going on down there that would have given me an option. But of course there wasn't.” No change necessary to text.
14/26	“After the crew got the engine on the skiff running,”	Other factualls mention the issue with a line or rope in the propeller on two occasions.	There were issues with the prop getting fouled, but this was left out of this narrative because it was quickly resolved and had little consequence to the accident.

17/21	<p>“Surviving crewmembers told investigators that there was a strict no-alcohol/no-drugs policy for employees while on board the <i>Conception</i> (passengers were permitted to bring aboard and consume alcohol).”</p>	<p>This could be interpreted to indicate that crew was free to use alcohol and drugs (not allowed for credentialed mariners at any time they hold a valid credential) when off the vessel. Is this the intent?  <b>Comment:</b> Suggest checking employee packet from Captain Evan Jones-Toscano to see if the multiple documents contain language for TA employees about drug use off the vessels and during employment.</p>	<p>The text has been edited and augmented to further explain regulations and company policy. NTSB staff notes that the company’s drug and alcohol program didn’t make off-duty use of drugs and alcohol policy completely clear, although testing requirements make this somewhat irrelevant. Worth noting also is that the first and second galleyhands were part of the company’s testing program but could have been considered <u>not</u> crewmembers under the CFR definition. Revised text is as follows: Truth Aquatics had a workplace pre-employment and periodic drug and alcohol testing program in place as required by Title 46 <i>Code of Federal Regulations</i> (CFR) part 16 and Title 49 CFR part 40. Per regulations, if an individual failed a drug test under the program, they could not be reemployed aboard a vessel until a medical review officer determined that that the individual was drug-free and the risk of subsequent use of dangerous drugs by that person was sufficiently low to justify his or her return to work. During annual inspections by the Coast Guard, inspectors were required to verify that the company’s program was in place and being properly followed.</p> <p>According to Truth Aquatics’ <i>Employee Education Program for the Drug and Alcohol Free Workplace</i>, a document that was provided to employees when they were hired, employees were “prohibited from unlawful manufacture, distribution, dispensing, possession of, or use of a controlled substances without authority on</p>
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			Truth Aquatics, Inc.'s premises.” Further, the document stated that “The presence of any detectable amount of any illegal drug in an employee while performing Truth Aquatics, Inc.'s business or while on Truth Aquatics, Inc.'s premises is prohibited. Surviving crewmembers told investigators that there was a strict no-alcohol/no-drugs policy for employees while on board the <i>Conception</i> , but passengers were permitted to bring aboard and consume alcohol).
17/27	“were tested for the presence of drugs of abuse.”	<b>Comment:</b> “abuse”. What about prescription drugs that could be abused? Or use of over the counter medications that could affect human performance.	“Drugs of abuse” is a general term for drugs that are commonly abused, including prescription drugs such as opiates.
19/23	“November 14, 2014”	Date of COI was 19 Nov 2014.	Concur. Text has been corrected.
20/4-5	“no-sail” operational control	"prior to carriage of passengers" not "no-sail". We no longer use the term “no-sail”.	Text has been edited to reflect “prior to carriage of passengers.” Similar text has been revised on page 19.
20/6	“The operational control was removed the day after it was issued when the fire pump was reinspected and found to be operational.”	<b>Comment:</b> Was the fire pump repaired or was it an erroneous condition discovered during the inspection or unknown?	It’s unclear. In fact, it’s unclear that the fire pump was actually inoperable. The inspection reports states that the O/O could not “prove proper operation of the fire pump.” The CG-835 was cleared when the inspector witnessed its operation the next day. Text has been revised to accurately reflect the report, as follows: “One ‘prior to carriage of passengers’ operational control was issued in February 2016 because the operator could not prove the fire pump was operational. The operational control was removed the day after it was issued when the inspector witnessed the proper operation of the pump.
22/27	“A prospective employee was first invited to participate in a voyage without pay.”	A prospective employee was first invited to participate in a voyage, generally without pay. (Believe Captain Jones-Toscano was paid as he was the active 2 <sup>nd</sup> captain on his first voyage and did not	Captain Jones-Toscano was the only person, out of many we talked to, who did not do an unpaid voyage. We believe that his case was unusual, based on his qualifications and the

		shadow a 2 <sup>nd</sup> captain for the short duration excursion).	needs of the company to fill the position. This section describes general hiring practices, so no editing is necessary.
23/1	“do not specify the frequency that the drills must be conducted”	While this is true, the frequency is flexible and dependent on the number required to ensure each crew member is familiar with his/her duties in case of fire. This could increase/decrease depending on amount of crew change-out.	Noted. The NTSB will take this into consideration in its forthcoming analysis of the accident.
23/14	“Logs on vessels the size and type of CONCEPTION”	Generally, this type and size vessel would not be required to keep logs or records detailed enough to document each watch.	Noted; however, this section describes drill and training logs, which are required to be kept for vessels inspected under Subchapter T.